

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling**

SAMUEL WORKMAN,

Plaintiff,

v.

**Civil Action No. 5:22-CV-172
Judge Bailey**

**TROOPER PHIL HUFF,
CPL. BRANDON SMITH,
TROOPER CALEB HARPER,
CPL. GEORGE JONES,
SGT. HUDDLESTON TROOPER,
ALL OF THE WVA STATE POLICE,
GOVERNOR JIM JUSTICE,
DHHR WORKER CORRISSA FORTNEY,**
All Defendants are being sued in their personal
individual and official capacities and under their
insurance policy coverage,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

The above referenced case is before this Court upon the magistrate judge's recommendation that plaintiff's claims against All of the WVA State Police, Governor Jim Justice, and DHHR Worker Corissa Fortney be dismissed with prejudice and plaintiff's claims against Trooper Phil Huff, Cpl. Brandon Smith, Trooper Caleb Harper, Cpl. George Jones, and Sgt. Huddleston Trooper proceed and that those defendants be served with a copy of the summons and complaint through the United States Marshal Service.

This Court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject,

or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. ***Thomas v. Arn***, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. ***United States v. Schronce***, 727 F.2d 91 (4th Cir. 1984), *cert. denied*, 467 U.S. 1208 (1984). No objections have been filed to the magistrate judge's report and recommendation.

A *de novo* review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's report and recommendation [Doc. 9] is **ADOPTED**. Plaintiff's claims against defendants All of the WVA State Police, Governor Jim Justice, and DHHR Worker Corissa Fortney are **DISMISSED WITH PREJUDICE**. Plaintiff's claims against defendants Trooper Phil Huff, Cpl. Brandon Smith, Trooper Caleb Harper, Cpl. George Jones, and Sgt. Huddleston Trooper will proceed. It is hereby **ORDERED** that defendants Trooper Phil Huff, Cpl. Brandon Smith, Trooper Caleb Harper, Cpl. George Jones, and Sgt. Huddleston Trooper be **SERVED** with a copy of the summons and complaint through the United States Marshal Service.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record, to the United States Marshal Service, and to mail a copy to the *pro se* plaintiff.

DATED: October 12, 2022.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE